

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Chiarelli et al.

Serial No.: 10/533,768

For: CONTROLLED AND CONTINUED DELIVERY OF RIFAXIMIN
AND/OR OTHER SUBSTANCES

Filed: May 4, 2005

Examiner: Nissa M. Westerberg

Art Unit: 1618

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Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with applicants' duty of disclosure under 37 C.F.R. §1.56, please find attached hereto Form PTO-1449 listing information which may be material to the patentability of this application, filed on May 4, 2005. This Supplemental Information Disclosure Statement is being filed:

- Within three (3) months of the filing date of the national application;
- Within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application;
- Before the mailing date of a first Office Action on the merits;
- After the filing date or date of first Office Action, but before the mailing date of a final action under 37 C.F.R. §1.113, provided that this occurs prior to the issuance of a Notice of Allowance and provided that this I.D.S. is accompanied by either a certification as specified in 37 C.F.R. §1.97(e) or the fee set forth in 37 C.F.R. §1.17(p);

- After the filing date or date of first Office Action, but before the mailing date of a Notice of Allowance under 37 C.F.R. §1.311, provided that this occurs prior to the final action and provided that this I.D.S. is accompanied by either a certification as specified in 37 C.F.R. §1.97(e) or the fee set forth in 37 C.F.R. §1.17(p);
- After the mailing date of a final action under 37 C.F.R. §1.113, provided that this occurs prior to the issuance of a Notice of Allowance and provided that this I.D.S. is accompanied by a certification as specified in 37 C.F.R. §1.97(e) and the fee set forth in 37 C.F.R. §1.17(p); and
- After the mailing date of a Notice of Allowance under 37 C.F.R. §1.311, provided that this occurs prior to or subsequent to the payment of the Issue Fee and provided that this I.D.S. is accompanied by a certification as specified in 37 C.F.R. §1.97(e) and the fee set forth in 37 C.F.R. §1.17(p).

XXXX Filing with RCE under 37 CFR §1.114, thus no fee is required.

37 C.F.R. §1.98 does not require a copy of U.S. patents or published U.S. patent applications to be included with an information disclosure statement. Accordingly, applicants are not including a copy of any U.S. patent or published U.S. patent application. However, we are including copies of the non-patent articles listed on the attached Form PTO-1449.

It should be understood that attention has been called to the references that have been deemed to be pertinent to the claimed present invention. In concluding what was pertinent, the criteria employed were considered most appropriate in light of the invention shown in the present application. However, the Examiner or others may deem some other criteria to be just as appropriate or more appropriate. Therefore, the Examiner is respectfully urged to review the listed references and to make the usual careful independent search for other prior art that may be pertinent.

Respectfully submitted,



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